

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

HOMELAND INSURANCE COMPANY OF NEW YORK,  
Plaintiff / Counter Defendant

v.

CLINICAL PATHOLOGY LABORATORIES, INC., et al.,  
Defendants / Counter Plaintiffs,

Case No. 1:20-CV-783-RP

**AGREED SCHEDULING ORDER**

Pursuant to Federal Rule of Civil Procedure 16, the following Agreed Scheduling Order is issued by the Court:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed on or before January 29, 2022.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before July 9, 2021, and each opposing party shall respond, in writing, on or before July 23, 2021. All offers of settlement are to be private, not filed. The parties are ordered to retain the written offers of settlement and responses so the Court may use them in assessing attorney's fees and costs at the conclusion of the trial.
3. Each party shall complete and file the attached "Notice Concerning Reference to United States Magistrate Judge" on or before June 4, 2021.
4. The parties shall file all motions to amend or supplement pleadings or to join additional parties on or before June 18, 2021.
5. All parties asserting claims for relief shall file their designation of testifying experts and serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before October 22, 2021. Parties resisting claims for relief shall file their designation of testifying experts and serve on all parties, but not file, the

materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before November 12, 2021. All parties shall file all designations of rebuttal experts and serve on all parties the material required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, to the extent not already served, 15 days from the receipt of the report of the opposing expert.

6. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within **11 days** from the receipt of the written report of the expert's proposed testimony, or within **11 days** from the completion of the expert's deposition, if a deposition is taken, whichever is later.
7. The parties shall complete all discovery on or before January 21, 2022.
8. All dispositive motions shall be filed on or before April 22, 2022 and shall be limited to 20 pages. Responses shall be filed and served on all other parties not later than 14 days after the service of the motion and shall be limited to 20 pages. Any replies shall be filed and served on all other parties not later than 7 days after the service of the response and shall be limited to 10 pages, but the Court need not wait for the reply before ruling on the motion.
9. The Court will set this case for final pretrial conference at a later time. The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of the final pretrial conference.

**The parties shall not complete the following paragraph. It will be completed by the Court at the initial pretrial conference to be scheduled by the Court.**

10. This case is set for \_\_\_\_\_ trial commencing at 9:00 a.m. on \_\_\_\_\_, 20\_\_\_\_\_.

By filing an agreed motion, the parties may request that this Court extend any deadline set in this Order, with the exception of the dispositive motions deadline and the trial date. The Court may impose sanctions under Federal Rule of Civil Procedure 16(f) if the parties do not make timely submissions under this Order.

SIGNED on \_\_\_\_\_, 20\_\_\_\_\_.

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ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE

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**NOTICE CONCERNING REFERENCE TO  
UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. § 626(c), Federal Rule of Civil Procedure 73,  
and the Local Rules of the United States District Court for the Western District of Texas, the  
following party \_\_\_\_\_  
\_\_\_\_\_ consents to having a United States Magistrate Judge preside over the trial in this case.  
through counsel \_\_\_\_\_  
\_\_\_\_\_ declines to consent to trial before a United States Magistrate Judge.

Respectfully submitted,

\_\_\_\_\_

Attorney for:

\_\_\_\_\_

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of this document was served upon counsel of record for all parties who have made an appearance in this case at the addresses indicated by CM/ECF electronic notification on this 10<sup>th</sup> day of May, 2021. I declare under penalty of perjury that the foregoing is true and correct.

/s/ Jenna A. Fasone

Jenna A. Fasone